

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JANE DOES 1, 2 and 3, *individually*
and on behalf of all others similarly situated,

Plaintiffs,

Civil Case No. 17-12212
Honorable Linda V. Parker

v.

THE COLISEUM BAR & GRILL, INC., *a*
Michigan corporation, ABCDE OPERATING, LLC,
d/b/a THE PENTHOUSE CLUB, *a Michigan limited*
liability company, M & M ZIN ENTERPRISES, INC.,
JOHNI SEEMA and ALAN MARKOVITZ, *individuals*,
jointly and severally,

Defendants.

_____ /

OPINION AND ORDER GRANTING PLAINTIFFS' MOTION
TO AMEND COMPLAINT (ECF NO. 79)

Plaintiffs move the Court seeking leave to substitute certain opt-in Plaintiffs as named Plaintiffs and to amend the Complaint with regard to those Plaintiffs. The matter has been conditionally certified, the parties are in the process of compiling the requisite information for notices and consents, and discovery has yet to commence. Plaintiffs contend that there is no prejudice to Defendants from permitting an amendment, and that the amendment is appropriate because it promotes judicial efficiency and best protects the Plaintiffs' rights. Defendants did not file a response. For the reasons that follow, the Court grants Plaintiffs' motion.

Federal Rule of Civil Procedure 15(a) instructs the courts to freely grant leave to amend “when justice so requires.” This is because, as the Supreme Court has advised, “[i]f the underlying facts or circumstances relied upon by a plaintiff may be a proper subject of relief, he ought to be afforded an opportunity to test his claim on the merits.” *Foman v. Davis*, 371 U.S. 178, 182 (1962). However, a motion to amend a complaint should be denied if the amendment is brought in bad faith or for dilatory purposes, results in undue delay or prejudice to the opposing party, or would be futile. *Id.*

There is no evidence that the amendment was brought in bad faith or for a dilatory purpose. The amendment will not result in undue delay or prejudice. Furthermore, the amendment would not be futile. One reason for granting leave to amend is to permit a party to assert matters that were unknown at the time of the original complaint. *See Iron Workers’ Local No. 25 Pension Fund v. Klassic Servs., Inc.*, 913 F. Supp. 541, 543 (E.D. Mich. 1996). Therefore, the Court grants Plaintiffs leave to file their amended complaint in order to substitute certain opt-in Plaintiffs and reflect those changes in their Complaint.

Accordingly,

IT IS ORDERED that Plaintiffs’ Motion to Amend Complaint (ECF No.79) is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiffs shall file the Amended Complaint no later than fourteen days from the date of this Order.

IT IS SO ORDERED.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: February 6, 2019

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, February 6, 2019, by electronic and/or U.S. First Class mail.

s/ R. Loury
Case Manager